



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

WA

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
|-----------------|-------------|----------------------|---------------------|

09/558,694 04/25/00 GILBERT

W 990474 U1 US

┌

PM82/0807

| |
|----------|
| EXAMINER |
|----------|

DAVID W CARSTENS
CARSTENS YEE & CAHOON LLP
P O BOX 802334
DALLAS TX 75380

| | |
|----------------------|--------------|
| SMITH, K ART UNIT | PAPER NUMBER |
|----------------------|--------------|

S

3644
DATE MAILED:

08/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/558,694

Applicant(s)

GILBERT ET AL.

Examiner

Kimberly S. Smith

Art Unit

3644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-19 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 April 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: mating hole "54" and shaped charge case "52". Correction is required.

Claim Objections

2. **Claims 4 and 11** are objected to because of the following informalities: It is suggested that the applicant consider clarifying these claims by inserting language to better clarify the term "a flat". It is suggested that the addition of "(a flat) surface positioned on a portion of the second ridge" or similar terminology would better clarify what is being claimed.
3. **Claims 6 and 13** are objected to because of the following informalities: It is suggested that following "the circumference" in line one, - of the at least one hole- - be added.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claim 19** is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. **Claim 19** recites the limitation "the carrier holder" in line 2. There is insufficient antecedent basis for this limitation in the claim. It has been construed that claim 19 was meant to depend from claim 18 and has been examined as such.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claim 1-3, 5-7 and 8-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Blair, US Patent 3,078,797 (Blair) in view of Parrott, US Patent 5,862,758 (Parrott).

Blair discloses a charge holder (10) for accepting a case (12), the charge holder comprising a loading member including at least one hole disposed through a wall of the loading member (seen in figure 2), the hole having a circumference defining at least one tab (see detail below).

However, Blair does not disclose that the loading member is tubular in shape. Parrott teaches within the same field of endeavor a charge holder having a tubular dimension for the purpose of allowing the holder to be used with a perforating gun. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the strip member disclosed by Blair with the tubular charge holder taught by Parrott in order to use the shape charge carrier of Blair with a perforating gun.

Regarding claim 2, Blair discloses the charge holder having a rear ridge (19).

Regarding claim 3, Blair discloses a first and second ridge defining a groove between wherein the tab can be captured within the groove (see detail below).

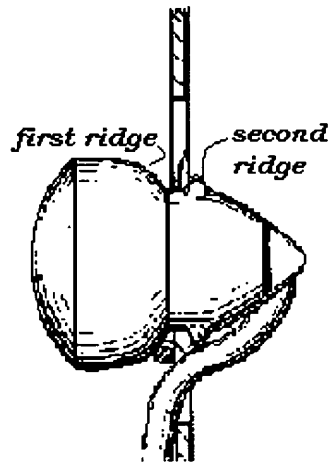


FIGURE 1

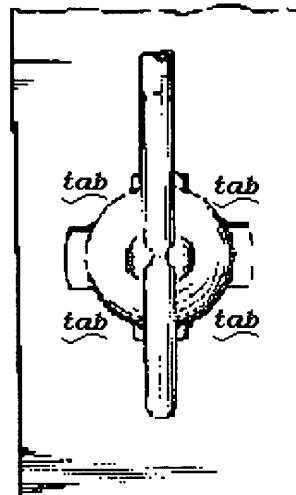


FIGURE 2

Regarding claim 5, Blair discloses a cord retainer (seen in figures) for retaining a detonation cord (25).

Regarding claim 6, Blair discloses the circumference having a diameter approximately equal to the diameter of the first ridge.

Regarding claim 7, Blair discloses the tab having a length approximately equal to a depth of the groove.

Regarding claims 8-17, Blair in view of Parrott teaches the invention and the method of use substantially a claimed (as detailed above) including a charge holder used in conjunction with a perforation gun. However, Blair in view of Parrott does not teach a cover for use over the charge holder. It would have been an obvious matter of design choice to use a cover over the charge holder taught by Blair in view of Parrott since it is well known in the art that placing a cover over a charge protects the integrity of a charge and it appears that the invention would

Art Unit: 3644

work equally as well without the cover since it is further known (as seen in the abstract of Parrott) that with the insert and twist type of charge loading tube that a cover is not necessary to hold the shape charge to the loading tube.

Regarding claim 18, Blair discloses loading a carrier holder with an explosive charge as claimed whereby the case is rotated to capture the tab within the groove and the method step of attaching a detonation cord. Blair further discloses in column 1, lines 9-30 that the device is lowered into a well and the charge is detonated to complete a well.

Regarding claim 19, while Blair does not disclose placing a cover over the charge holder, it is held that the cover is an obvious matter of design choice and would therefor have been obvious to one of ordinary skill in the art to place a cover over the charge holder before lowering the carrier holder into the well if such a design choice were made.

Allowable Subject Matter

9. **Claim 4** is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter: The prior art fails to teach or render obvious in the device and method as claimed a flat portion to allow the at least one tab access to the groove. It is seen in Slagle et al. (US Patent 5,460,095) that placing flat areas on a ridge is known in the art. However, the purpose of Slagle's flat is to provide an area to be gripped by a tool which teaches away from the Applicant's invention of a

Art Unit: 3644

charge holder which does not require the use of tools to attach a case to the holder (page 5, last 2 lines of Applicant's specification).

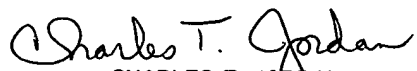
Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Slagle et al.(US 5,460,095), Appledorn et al. (US 4,800,815), Regalbuto et al. (US 4,739,707), Regalbuto (US 4,716,833), Regalbuto et al. (US 4,655,138), Walker et al. (US 4,621,396), Walker et al. (US 4,609,057).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimberly S. Smith whose telephone number is 703-308-8515. The examiner can normally be reached on Monday thru Friday (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Jordan can be reached on 703-308-4611. The fax phone numbers for the organization where this application or proceeding is assigned are 703-306-4198 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.


CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

Kimberly S. Smith
Examiner
Art Unit 3644

kss
August 2, 2001